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Siemens Corporation			HOLLIDAY, JAIME MICHELE	
Attn: Elsa Kellar, Legal Administrator Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			ART UNIT	PAPER NUMBER
			2686	
DATE MAILED: 07/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,902	CASPI ET AL.	
Examiner	Art Unit		
Jaime M. Holliday	2686		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 September 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 02 February 2004 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. _____
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06 September 2003. 5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on September 6, 2003.

The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “206” has been used to designate both mobility in FIG. 2 and remote server updates rules step in FIG. 12. Reference character “1706” has been used to designate both compare to rule step in FIG. 17 and loc. change? Step in FIG. 17. Reference character “2402” has been used to designate both a belt in FIG. 24 and a modem in FIG. 26. Reference character “2904” has been used to designate both compare to range step in FIG. 29 and modification req. field in FIG. 31. Reference character “3004” has been used to designate both a PC in FIG. 30 and uploads exception request step in FIG. 32. Reference character “3008” has been used to designate both a monitor agent in FIG. 30 and transmit update to device step in FIG. 32. Reference character “3010” has been used to designate both a database (DB) in FIG. 30 and respond via Web step in FIG. 32.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the

description: FIG. 18A (paragraph 0131), FIG. 20 (paragraph 0139), **d_f** (paragraph 0179), **311** (paragraph 0088), **900** (paragraph 0108), **1104** (paragraph 0050), **1206** (paragraph 0116), **1608** (paragraph 0130), **1708** (paragraph 0134), **1930** (paragraph 0143), **2602** (paragraph 0163), **2802** (paragraph 0166), **2114** (paragraph 0151), **3000** (paragraph 0170), **3100** (paragraph 0173), **3102** (paragraph 0173), **3104** (paragraph 0173), **3108** (paragraph 0174), **31-150** (paragraph 0174), **31-152** (paragraph 0174), **3202** (paragraph 0175), **3204** (paragraph 0175), **3206** (paragraph 0175) and **3210** (paragraph 0175).

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **748, 1410, 1604, 2108, 2807, 2900, 2902, 3002** and **3006**.
5. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

6. **Claims 4 and 11** are objected to because of the following informalities: On **line 2** of **claim 4**, insert “predetermined” before “status”, in order to have an antecedent basis for dependent **claims 5 and 6**. On **line 3** of **claim 11**, insert “predetermined” before “status”, in order to have an antecedent basis for dependent **claims 12 and 13**.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-3, 7-9, 14 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by **Stewart (U.S. Patent # 6,643,516 B1)**.

Consider **claim 1**, Stewart clearly shows and discloses a telephone system (telecommunications system), comprising:

a plurality of first telephones and a remote portable telephone (network clients) including a position locator (position controller) and a telephone exchange (communications controller) **16** (column 2, lines 25-32), and

a centralized base station (positioning server) **17** with a transceiver for receiving location signals from a portable telephone that includes the position locator (position controller) (column 2, lines 53-55);

wherein centralized base station (positioning server) includes a router which receives incoming location request signals and is capable of waiting a preselected time from receipt of location request signal. It is inherent that a timer is necessary for this process (column 4, lines 53-65).

Consider **claim 2**, and as applied to **claim 1 above**, Stewart further discloses that the telephone system (telecommunication system) comprises a portable phone with a position locator (positioning controller), such as a GPS locator, thus making the locator capable of receiving of global positioning network signals for determining position (column 1, lines 50-54).

Consider **claim 3**, and as applied to **claim 2 above**, Stewart further discloses that the first telephones and the remote portable telephone (network clients) could have cableless connections such as radio or satellite connections. The first telephone could also be a portable telephone (cellular telephone), thus making the telephone exchange (communications controller) a cellular network system (column 4, lines 18 –25).

Consider **claim 7**, Stewart clearly shows and discloses a portable telephone (telecommunications device), comprising:

a position locator (positioning controller), which can determine location of the portable phone (telecommunications device) and generate a corresponding location signal (column 2, lines 1-4), and

a transceiver (wireless data controller) **46**, connected to the antenna of the portable telephone (telecommunications device), receives location signals (positioning information) from the GPS location detector **40**, and the transmits signal (positioning information) to the centralized base station (positioning server), from which the location request code was received **216** (column 5, lines 21-23; column 6, line 1; column 7, lines 51-60, figure 2). If the location request code requests location reports (positioning information) at predetermined time intervals, the processor **32** checks the timer and waits for predetermined time interval to elapse, then location (positioning information) from detector is transmitted to base station (positioning server) (column 7, lines 65-67; column 8, lines 1-8)

Consider **claim 8**, and as applied to **claim 7 above**, Stewart further discloses that the portable telephone (telecommunications device) has a position locator such as a GPS receiver (column 1, lines 50-53; figure 2).

Consider **claim 9**, and as applied to **claim 7 above**, Stewart further discloses a portable telephone (telecommunications device) has a transceiver (wireless data controller) **46**, connected to the antenna of the portable telephone

(telecommunications device), receives location signals (positioning information) from the GPS location detector **40**, and the transmits signal (positioning information) to the centralized base station (positioning server) (column 5, lines 21-23; column 6, line 1; column 7, lines 51-60, figure 2).

Consider **claim 14** Stewart clearly shows and discloses a method of communicating with a portable telephone (telecommunications method), comprising (column 3, lines 1-4):

directing a location request signal to a position locator (positioning controller) on the portable telephone (wireless device), which can determine the location of the portable telephone (wireless device) and generate a corresponding location signal (positioning signal) (column 3, lines 30-35); and

transmitting the location signal (position updates) from the portable device (wireless device) to the centralized base station (server), wherein centralized base station (positioning server) includes a router which receives incoming location request signals and is capable of waiting a preselected time from receipt of location request signal. It is inherent that a timer is necessary for this process (column 3, lines 35-37; column 4, lines 53-65; figure 4B).

Consider **claim 15**, and **as applied to claim 14 above**, Stewart further discloses a portable telephone (wireless device) with a position locator (positioning controller) such as a GPS (global positioning network) receiver. The GPS location detector uses signals from any series of positioning satellites to

ascertain the geographical location of the portable telephone (wireless device) (column 1, lines 51-52; column 6, lines 4-7).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. **Claims 4-6 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (U.S. Patent # 6,643,516 B1) in view of Verdonk (U.S. Patent # 6,330,454 B1).**

Consider **claim 4**, Stewart clearly shows and discloses the claimed invention as **applied to claim 1 above**.

Stewart, however, does not disclose in the invention that the centralized base station (positioning server) queries the plurality of first telephones and portable telephone (network clients) for a location request or location signal in the preselected time.

In the same field of endeavor, Verdonk discloses a system for locating mobile units (network clients) operating within a wireless communication system (telecommunications system). Upon initiation of the location determination for a mobile unit (network client), the customer server **140** sends a location determination request (query) to the Service Control Point (SCP) **142**. The SCP receives the location determination request (query), and sends it to the home location register (HLR) **110**. The HLR determines the Mobile Switching Center (MSC) **102** serving the mobile unit (network client), and sends a route request (query) to the serving MSC. The serving MSC receives the route request (query) and accesses its visitor location register (VLR) **108**, or sends a page to the

mobile unit (network client) (column 2, lines 42-45; column 5, lines 2-4, 20-21, 33-36 and 38-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to enable a server in a telecommunications system to query a mobile device (network client) as taught by Verdonk in the system of Stewart, in order to provide the server with updated information on the mobile unit or portable telephone (network client).

Consider **claim 5**, Stewart clearly shows and discloses the claimed invention as **applied to claim 4 above**, and in addition, Stewart discloses a centralized base station (positioning server) having a location identification means for determining the location of the calling one of the first telephones (network clients) from a caller identification carried by the incoming signal (identification signal) (column 2, 56-59).

However, Stewart does not disclose in the invention that the centralized base station (positioning server) queries the plurality of first telephones and portable telephone (network clients) to receive identification signals in the preselected time.

In the same field of endeavor, Verdonk discloses the customer server sends a location determination request (query) to the SCP, which sends a location determination request (query) it to the HLR. The HLR sends a route request (query) to the serving MSC, which then accesses its VLR, or sends a

page to the mobile unit (network client) (column 2, lines 42-45; column 5, lines 2-4, 20-21, 33-36 and 38-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide that a server in a telecommunications system queries a mobile device (network client) as taught by Verdonk in the system of Stewart, in order to receive identification information on the mobile unit or portable telephone (network client).

Consider **claim 6**, Stewart clearly shows and discloses the claimed invention as **applied to claim 4 above**.

Stewart, however, does not disclose in the invention that the centralized base station (positioning server) queries the plurality of first telephones and portable telephone (network clients) to receive location-related signals in the preselected time.

In the same field of endeavor, Verdonk discloses the customer server sends a location determination request (query) to the SCP, which sends a location determination request (query) it to the HLR. The HLR sends a route request (query) to the serving MSC, which then accesses its VLR, or sends a page to the mobile unit (network client) (column 2, lines 42-45; column 5, lines 2-4, 20-21, 33-36 and 38-41). With the location information determined by the serving MSC, it responds to the HLR with the location information (message with location-related update signals) (column 5, lines 55-58).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide that a server in a telecommunications system queries a mobile device (network client) as taught by Verdonk in the system of Stewart, in order to receive location-related information on the mobile unit or portable telephone (network client).

Consider **claim 16**, Stewart clearly shows and discloses the claimed invention as **applied to claim 14 above**.

Stewart, however, does not disclose in the invention that the centralized base station (positioning server) is adapted to query the portable telephone (wireless device) for a location request or location signal in the preselected time.

In the same field of endeavor, Verdonk discloses a method for locating mobile units (wireless devices) operating within a wireless communication system (telecommunications system). Upon initiation of the location determination for a mobile unit (wireless device), the customer server sends a location determination request (query) to the SCP, which sends a location determination request (query) to the HLR. The HLR sends a route request (query) to the serving MSC, which then accesses its VLR, or sends a page to the mobile unit (wireless device) (column 2, lines 42-45; column 5, lines 2-4, 20-21, 33-36 and 38-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to enable a server in a telecommunications method to query a mobile device (wireless device) as taught

by Verdonk in the system of Stewart, in order to provide the server with updated information the portable telephone (wireless device).

Consider **claim 17**, Stewart clearly shows and discloses the claimed invention as **applied to claim 16 above**, and in addition, Stewart discloses a centralized base station (positioning server) having a location identification means for determining the location of the calling one of the first telephones (wireless devices) from a caller identification carried by the incoming signal (identification signal) (column 2, 56-59).

However, Stewart does not disclose in the invention that the centralized base station (positioning server) is adapted to query the portable telephone (wireless device) to receive identification signals in the preselected time.

In the same field of endeavor, Verdonk discloses the customer server sends a location determination request (query) to the SCP, which sends a location determination request (query) it to the HLR. The HLR sends a route request (query) to the serving MSC, which then accesses its VLR, or sends a page to the mobile unit (wireless device) (column 2, lines 42-45; column 5, lines 2-4, 20-21, 33-36 and 38-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide that a server in a telecommunications method to query a mobile device (wireless device) as taught by Verdonk in the system of Stewart, in order to receive identification information on the portable telephone (wireless device).

Consider **claim 18**, Stewart clearly shows and discloses the claimed invention as applied to **claim 16 above**.

Stewart, however, does not disclose in the invention that the centralized base station (positioning server) queries the plurality of first telephones and portable telephone (network clients) to receive location-related signals in the preselected time.

In the same field of endeavor, Verdonk discloses the customer server sends a location determination request (query) to the SCP, which sends a location determination request (query) it to the HLR. The HLR sends a route request (query) to the serving MSC, which then accesses its VLR, or sends a page to the mobile unit (wireless device) (column 2, lines 42-45; column 5, lines 2-4, 20-21, 33-36 and 38-41). With the location information determined by the serving MSC, it responds to the HLR with the location information (message with location-related update signals) (column 5, lines 55-58).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide that a server in a telecommunications method to query a mobile device (wireless device) as taught by Verdonk in the system of Stewart, in order to receive location-related information on the portable telephone (wireless device).

13. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Stewart** (U.S. Patent # 6,643,516 B1) in view of **McDowell et al.** (Pub # US 2002/0035605 A1).

Consider **claim 10**, Stewart clearly shows and discloses a centralized base station (telecommunications server) with a transceiver, wherein the centralized base station (telecommunications server) includes a router which receives incoming location request signals and is capable of waiting a preselected time from receipt of location request signal. It is inherent that a timer is necessary for this process (column 2, line 53; column 4, lines 53-65).

However, Stewart does not disclose that the centralized base station includes a presence control unit and a location control unit.

In the same field of endeavor, McDowell et al. clearly show and disclose a computing platform (telecommunications server) that facilitates communications for wireless subscribers (plurality of users) of a wireless network, comprising:

a presence module (presence control unit) that maintains data concerning network presence of the wireless subscribers (plurality of users), and
a location proxy module that maintains location data concerning physical location of the wireless subscribers (plurality of users) (paragraph 0034).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a computing platform (telecommunications server) with a presence module (presence control unit), as well as a location proxy module (location control unit) as taught by McDowell et al. in view of Stewart, in order to receive and maintain presence and location information in a centralized base station (telecommunications server).

14. **Claims 11, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (U.S. Patent # 6,643,516 B1) in view of McDowell et al. (Pub # US 2002/0035605 A1), as applied to claim 10 above, and in further view of Verdonk (U.S. Patent # 6,330,454 B1).**

Consider **claim 11**, the combination of Stewart and McDowell et al. as discussed in **claim 10** above shows the limitations claimed, except they do not specifically disclose that the location control unit queries an associated one of the plurality of users.

In the same field of endeavor, Verdonk discloses a system and method for locating mobile units (plurality of users) operating within a wireless communication system (telecommunications system). Upon initiation of the location determination for a mobile unit (user), the customer server sends a location determination request (query) to the SCP, which sends a location determination request (query) to the HLR. The HLR sends a route request (query) to the serving MSC, which then accesses its VLR, or sends a page to the mobile unit (wireless device) (column 2, lines 42-45; column 5, lines 2-4, 20-21, 33-36 and 38-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to enable a server in a telecommunications system to query a mobile device (user) as taught by Verdonk in the combination of Stewart and McDowell et al., in order to provide

the location proxy module (location control unit) within the server with updated information on the mobile unit or portable telephone (user).

Consider **claim 12**, Stewart as modified by McDowell et al., clearly shows and discloses the claimed invention as **applied to claim 11 above**, and in addition, Stewart discloses a centralized base station (positioning server) having a location identification means for determining the location of the calling one of the first telephones (wireless devices) from a caller identification carried by the incoming signal (identification signal) (column 2, 56-59).

The combination of Stewart and McDowell et al. as discussed in **claim 10** above shows the limitations claimed, except they do not specifically disclose that the server queries an associated one of the plurality of users in order to receive identification signals in the preselected time.

In the same field of endeavor, Verdonk discloses the customer server sends a location determination request (query) to the SCP, which sends a location determination request (query) it to the HLR. The HLR sends a route request (query) to the serving MSC, which then accesses its VLR, or sends a page to the mobile unit (user) (column 2, lines 42-45; column 5, lines 2-4, 20-21, 33-36 and 38-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide that a server in a telecommunications system queries a mobile device (user) as taught by Verdonk in the combination of Stewart and McDowell et al., so that the location proxy

module (location control unit) can receive identification information on the mobile unit or portable telephone (user).

Consider **claim 13**, Stewart as modified by McDowell et al., clearly shows and discloses the claimed invention as **applied to claim 11 above**.

The combination of Stewart and McDowell et al. as discussed above shows the limitations claimed, except they do not specifically disclose that the server queries an associated one of the plurality of users in order to receive location-related update signals in the preselected time.

In the same field of endeavor, Verdonk discloses the customer server sends a location determination request (query) to the SCP, which sends a location determination request (query) it to the HLR. The HLR sends a route request (query) to the serving MSC, which then accesses its VLR, or sends a page to the mobile unit (user) (column 2, lines 42-45; column 5, lines 2-4, 20-21, 33-36 and 38-41). With the location information determined by the serving MSC, it responds to the HLR with the location information (message with location-related update signals) (column 5, lines 55-58).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide that a server in a telecommunications system queries a mobile device (user) as taught by Verdonk in the combination of Stewart and McDowell et al., in order to receive location-related information at the location proxy module (location control unit) on the mobile unit or portable telephone (user).

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime M. Holliday whose telephone number is (571) 272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marshe D. Banks-Harold
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